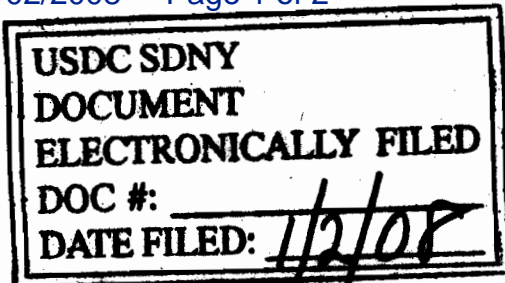




THE CITY OF NEW YORK  
**LAW DEPARTMENT**

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December 21, 2007

**BY HAND**

Honorable Gerard E. Lynch  
United States District Judge  
United States Courthouse, Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Gayle v. The City of New York et al 07-cv-10715 (GEL)(RLE)

Your Honor:

As the Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, assigned to defend the above-referenced matter, I write to respectfully request that the Court grant defendant City of New York a sixty (60) day enlargement of time to and including February 21, 2007 in which to respond to the complaint.<sup>1</sup> If the Court is so inclined as to grant this request, it is further respectfully requested that the Court adjourn the conference currently scheduled for January 24, 2008 to a date and at a time convenient to the Court after issue has been joined. Plaintiff's counsel, Mr. Richard Cardinale, consents to these requests.

Plaintiff brings this action pursuant to 42 U.S.C. §1983 alleging, *inter alia* that on April 11, 2007, he was falsely arrested, subjected to a strip search and illegally detained. According to plaintiff, on April 13, 2007, he was arraigned on a charge of possession of marijuana and subsequently received an adjournment in contemplation of dismissal. Based on the foregoing, it is necessary for defendant City of New York to acquire as much information as possible concerning this matter in order to properly assess the case and respond to the complaint. Currently, this office is in the process of forwarding to plaintiff for execution, a consent and authorization for the release of records sealed pursuant to New York Criminal Procedure Law § 160.50. Defendant cannot obtain these records without plaintiff's authorization, and without the records, defendant cannot properly assess this case or respond to the complaint.

<sup>1</sup> Upon information and belief, the individual identified in the caption of the complaint as Giuseppe Giuca has not been served with a copy of the summons and complaint. Without appearing on his behalf, it is respectfully requested that, in the event he was served, the same extension be granted to him in order to ensure that his defenses are not jeopardized while representation issues are being decided.

No previous request for an enlargement of time has been made. Accordingly, it is respectfully requested that defendants' time to respond to the complaint be extended to and including February 21, 2008. If the Court is so inclined as to grant this request, it is further respectfully requested that the Court adjourn the conference currently scheduled for January 24, 2008 to a date and at a time convenient to the Court after issue has been joined. ] \*

→ February 29, 2008, at 11:30 a.m.


I thank Your Honor for considering the within request.

Respectfully submitted,

  
Brooke Birnbaum (BB 8338)  
Assistant Corporation Counsel

cc: Mr. Richard Cardinale, Esq. (By Fax)

\*SO ORDERED



GERARD E. LYNCH, U.S.D.J.

4/2/08